2019

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Taylor and Francis Group

Florina Cristiana Matei & Jumana Kawar (2020) Tunisias PostArab Spring Intelligence Reform, International Journal of Intelligence and CounterIntelligence, 33:1, 135-158
http://hdl.handle.net/10945/63954

International Journal of Intelligence and CounterIntelligence, 33: 135–158, 2020

ISSN: 1521-0561 print/0885-0607 online
DOI: 10.1080/08850607.2019.1669123

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Tunisia's Post–Arab Spring Intelligence Reform

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The views expressed in this article are those of the authors and do not reflect the official policy or position of the Department of Defense or the U.S. Government.

Tunisia's efforts to democratize[1] its intelligence agencies after the end of the nondemocratic regime of Zine al-Abidine bin Ali and violent transition to democracy in 2011. The egregious human rights abuses by the dictatorial intelligence apparatus have prompted the democratic governments to endeavor a transformation of the intelligence services from bin Ali's highly oppressive and repressive instruments into a *de facto* and *de jure* intelligence community, in service of the emerging democracy. Under these circumstances, the post-2011 Tunisian governments have sought to institutionalize new and transparent agencies, under democratic civilian control and oversight. On the other hand, Tunisia, like many other established and developing democracies around the world, faces severe problems of terrorism, illegal migration, as well as crime, which threaten the country's emerging democracy. The most recent terrorist attack on 8 July 2018 by al-Qaeda in the Islamic Maghreb in the area of Aïn Soltane in the governorate of Jendouba—which resulted in six officers of the Tunisian security forces dead and another three wounded—clearly indicate that Tunisia needs capable intelligence agencies.[2] Tunisia needs not only democratically accountable intelligence agencies but also intelligence agencies that are effective in safeguarding the new democracy's security.

It is important to find out if, less than a decade since its transition to democracy in 2011. Tunisia is showing significant progress in developing equally democratic and effective intelligence agencies.[3] There is emerging literature—in Arabic, French, and English—on the democratic reform of intelligence in Tunisia which this article seeks to complement with new insights on the current efforts to achieve a balance, or tradeoff, between democratic civilian control and effectiveness of intelligence.[4]

TUNISIA'S NONDEMOCRATIC INTELLIGENCE AGENCIES

Between 1987 and 2011, Tunisia was an authoritarian-cum-sultanistic regime under the rule of Zine al-Abidine bin Ali—an army general in the Tunisian intelligence agencies who came to power through a military coup.[5] Unlike in most nondemocratic regimes, where one secret service is the chief prop of those in power, bin Ali's rule did not rely on one distinctive intelligence agency to stay in power. The Tunisian dictator's political police were "a network of organizations and individuals, inside and outside the government, working together to collect information on anyone who could potentially threaten the regime."[6]

This intricate security apparatus relied on the surveillance and targeting activities carried out by five main intelligence agencies with significant powers.[7] The Directorate of State Security (DSE) coordinated the Directorate General of Special Services for General Intelligence and the Directorate General of Technical Services for Technical Intelligence.[8] Bin

Ali's political police employed extreme violence, surveillance, oppression, censorship, and other human rights abuses against real or imagined opponents of the regime—Tunisian citizens (including *émigrés* and exiles), as well as foreign citizens.[9]

According to Carol Migdalovitz, Tunisia's

> security forces tortured and physically abuse prisoners, arbitrarily arrest and detain individuals, and physically abuse, intimidate, and harass citizens who voice public criticism of the government. The government significantly restricts freedom of speech and of the press and remains intolerant of public criticism, which it discourages by physical abuse, criminal investigations, the court system, arbitrary arrests, residential restrictions, and travel controls. It also restricts freedom of assembly and association.[10]

Under bin Ali's authoritarian regime, the intelligence agencies lacked a legal framework, and they are not currently governed by any law.[11] There was no democratic civilian control of this network, other than bin Ali's personal control of the Ministry of Interior (MOI) and the rest of the political police components. Similar to the dictatorial control of Nicolae Ceausescu in Romania and Francisco Franco in Spain, bin Ali prevented the creation of any opposition power base in order to consolidate his power.[12] Tunisia's repressive dictatorship combined the psychological fear used by the communist regimes around the world with the physical abuses practiced by Latin America's military dictatorships—and hence more violent than both.

Due to the sultanistic trait of the bin Ali regime, scholars were skeptical that Tunisia would transition to democracy while bin Ali was in power.[13] Nevertheless, bin Ali's rule ended in 2011, following a massive popular uprising in the country termed the "Jasmine Revolution."[14] Since the fall of the regime, Tunisia has striven to bring about free and fair elections, garner the support of the elites, institutionalize freedom of speech and association, as well as other civil rights and liberties. Toward this end, Tunisia seems to have achieved considerable democratization progress in less than a decade since the end of bin Ali's regime. According to the 2017 Democracy Index provided by the Economist Intelligence Unit, Tunisia is a flawed democracy, ranking sixty-ninth in the world and second in the Middle East and North Africa region.[15] Within this broader context, Tunisia has also attempted to transform its intelligence agencies from institutions that protect the nondemocratic regime to a community in service of the country's citizens, which is still a work in progress. Tunisia is yet to achieve a suitable tradeoff between transparency/accountability and effectiveness of its post–bin Ali intelligence agencies.

POST-TRANSITION INTELLIGENCE REFORMS

Tunisia's current intelligence community includes the following agencies: The General Directorate of National Security (GDNS) and the General Directorate of the National Guard (GDNG) within the MOI; the Defense Intelligence and Security Agency (DISA) within the Ministry of Defense (MOD); the General Directorate of Presidential Security and Protection of Prominent Officials (GDPSPPO) is within the presidential office and under the direct command of the president.[16]

The GDNS was created in 1967 within the MOI and without a legal framework by the nondemocratic regime of Habib Bourguiba, in response to the social unrest inside the country resulting from the failing economy and Bourgiuba's authoritarian rule.[17] At that time the GDNS unified the police and the National Guard under its umbrella.[18] In 1984, bin Ali returned to head the GDNS during an in-depth reorganization of the MOI security services, which resulted in the separation of the GDNS and the GDNG.[19] According to the 1984 presidential decree, the GDNS has three primary missions: "maintaining public order, monitoring borders, and foreigners, and investigating all aspects of political, economic, social and cultural fields and reporting on them."[20] Additionally, according to the same presidential decree, the GDNG has six missions: "maintaining public order, protecting land and maritime borders, intervening throughout the country as a force of 2nd category, gathering intelligence in the field of politics, investigating the social and economic fields and providing civil protections."[21] There is no information available on the current roles of GDNS and GDNG, however.

The DISA was established in November 2014—replacing bin Ali's military intelligence services—by a decree issued by the head of the government, which replaced the Directorate of Military Security with DISA. DISA is a "public institution of administrative character that enjoys legal status and financial independence."[22] Its primary mission entails intelligence collection on potential threats to the armed forces and the security of the country in general.[23]

The GDPSPPO was created in 1984 within GDNS under the MOI.[24] However, after bin Ali's coup in 1987, he issued a presidential decree to remove the GDPSPPO from the MOI and placed it under his direct command.[25] This directorate was tasked with protecting the regime; for this purpose, it was well armed and equipped with a separate intelligence system called the Presidential Security Sub-Directorate of Intelligence (PSSDI) to gather intelligence critical for the regime's security.[26] Under those terms, the PSSDI collected information from all governmental departments.[27] The Ministry of Foreign Affairs includes intelligence functions as well, yet little open-source information exists on these functions.

Tunisia does not have a clear and robust legal basis for the roles and oversight of the intelligence sector. These agencies operate most of the time in obscurity under the shield of some ministries.[28] In 2014, Tunisia adopted a new constitution; however, only several articles deal with internal security, and their main focus is the military.[29] Article 19 of the Constitution deals with security forces to include police and other internal security organizations, "responsible for maintaining security and public order, ensuring the protection of individuals, institutions, and property, and ensuring the enforcement of the law."[30] While the constitution addresses the security apparatus mission and even stipulates that the security institutions need to respect individual freedoms and remain apolitical, it does not address security sector governance.[31] Mainly, the lack of civilian expertise on defense and security played a vital issue at not properly addressing security legislation and endeavor to conduct oversight.[32] The constitution does not, however, address the intelligence agencies; reports indicate that the National Constituent Assembly "members' security illiteracy prevented them from addressing changes to the sector, which is crucial for a working democracy."[33] In the summer of 2015, the parliament enacted Law No. 26 on the Fight Against Terrorism, which stipulates the conditions for tapping the communications as part of criminal investigations relating to a terrorist threat.[34]

DEMOCRATIC REFORM OF INTELLIGENCE

The post-dictatorship governments have taken several steps to democratize the intelligence agencies: abolishing some agencies, creating new institutions, assigning new roles and missions to the newly created agencies, devising domestic intelligence coordination and interagency processes, and developing mechanisms for international intelligence cooperation and sharing.

One of the first reform steps undertaken by the Tunisian government after the revolution was the abolishment of the nefarious DSE.[35] Critics of this change argue this course of action was detrimental to the effectiveness of the post-2011 intelligence community because of the critical role played by DSE in liaising between the intelligence and security agencies, filtering information, and sharing analysis.[36] Moreover, the Tunisian government disbanded the Directorate General of Anti-Terrorism Prevention and the Joint Committee for Intelligence and Border Control run by the Central Directorate of General Intelligence.[37] According to Privacy International, Tunisia immediately "faced … a serious security crisis, having to strengthen its intelligence capabilities in the face of mounting jihadist attacks and security challenges, while also ensuring that past abuses would not be repeated."[38]

On this background, in 2011, a group of experts, led by Lazhar 'Akarmi who was the MOI in charge of reform, released a white paper with a vision for security sector reform. The white book discusses the intelligence reform in its last chapter.[39] Nevertheless, the document failed to promote the principles of democratic governance of the security sector; instead, it sought to strengthen the operational capabilities of the security sector to handle the country's security challenges.[40] In addition, critics of the white paper immediately noted that despite the fact that "the report was prepared by the previous transitional government as an MOI input for the work of the Constituent Assembly," it seemed "unlikely that the new government will adopt its assessment and recommendations."[41] So far, these ideas and recommendations have not yet put into practice.

By the spring of 2012, the Tunisian government embarked on the creation of a new intelligence service called the National Intelligence Agency, tasked with national defense and security. This agency is part of the MOI. Since 2014, and particularly after the terrorist attacks of 2015, Tunisia has augmented the military's antiterrorism role, which included the creation in 2015 of the DISA, whose financial resources come from independent sources as compared to the rest of the armed forces. Legal subject matter experts who criticize the DISA's legal basis argue that the decree is too broad and ill-defined; there is no clear definition of what is considered as "potential threats" and the "country's security in general."[42] Furthermore, this decree is the result of an executive effort rather than a legislative process, therefore rendering this decree without a clear legislative framework or oversight to ensure transparency and accountability in military intelligence activities.[43]

Significantly, since 2011, Tunisia has had five different interior ministers, two successive secretaries in charge of Security Sector Reform, and one minister within the MOI in charge of security.[44] The multiple leadership change in the MOI hampered the efforts at reforming the intelligence agencies and pursuing a consistent reform agenda. However, on 16 December 2014, the Tunisian government formed an intelligence fusion center under the auspices of the MOI with the mission to deal with the threat of terrorism and organized crime.[45] The center includes representatives of the ministries of defense, finance, foreign affairs, customs, and the prison administration.[46]

In December 2016, the Tunisian government decided to reform its National Intelligence Agency in the aftermath of the assassination, reportedly by the Israeli intelligence community, of the Tunisian drone expert Mohammed Al-Zawahiri, who was also affiliated with the military wing of Hamas—the Qassam Brigades.[47] A statement issued by the head of the Tunisian government announced that the president's office presented the Tunisian government with a study to reform the intelligence agency's missions to include collecting information, coordinate among all intelligence

agencies, control the strategic options in the fields of gathering intelligence, and respectively analysis, in addition to planning international cooperation in the field of intelligence and developing the national intelligence plan.[48] The center would be domestically focused but cooperate within the frameworks of regional security programs with counterparts from neighboring countries. Under these circumstances, in early 2017, Tunisia created the National Intelligence Centre under Government Decree no. 71 of 19 January 2017, an intelligence fusion center that facilitates counterterrorism intelligence-sharing among "agencies that had plagued the country's counter-terrorism efforts since the revolution."[49] Its main tasks include: providing analyses, risk and threat assessments for the prime minister and the head of the National Security Council (NSC); drawing strategic guidelines and priorities for the NSC; and devising the national intelligence strategy and seeing it through implementation.[50] In addition, in July 2017, the North Atlantic Treaty Organization (NATO) revealed its intent to establish an "Intelligence Fusion Center" in Tunisia. According to Privacy International, the fusion center—which has not been created yet—"will serve as an intelligence-gathering outpost for the transatlantic alliance."[51] Indeed, NATO's "desire to establish an intelligence bureau in Tunisia aims to facilitate their mission in the region since their proximity to hotbeds of tension makes it easier for them to control terrorist gangs and speeds up the spread of chaos in Algeria after stirring it up in the Tunisian south through enabling a Daesh terrorist incursion in it and then in Algeria."[52] The creation of this fusion center would benefit Tunisia's intelligence agencies in terms of strengthening expertise, improving sharing and cooperation among the existing agencies, and improved analytical products.

Since 2011, the Tunisian governments have striven to improve the interagency coordination, cooperation, and sharing among the various intelligence agencies, as well as between the Tunisian intelligence services and their international counterparts.[53] On 12 August 2017, the cooperation among intelligence and security sector agencies led to the dismantling of a terrorist group and stopping of a terror plot in southern Tunisia. It was the fruitful cooperation between "the anti-terror squad of El Gorjani, Tunisia, following an intelligence operation by the Anti-Terror Judicial Pole" that has made this operation successful.[54] In addition, in September 2015, the Tunisian Intelligence Agency and law enforcement arrested eleven people alleged to belong to a jihadist terror group that was trafficking fighters to Syria.[55] According to Adnkronos International, "[O]ne of the suspects were plotting attacks against prominent figures, the interior ministry said. The alleged cell used fake documents to dispatch jihadists to Syria in coordination with groups of Tunisian and Algerian smugglers, the ministry said."[56]

CONTROL AND OVERSIGHT OF THE INTELLIGENCE AGENCIES

As part of the democratization of Tunisia's intelligence apparatus, several layers of control and oversight have been codified. Currently, Tunisia's democratic control and monitoring of the intelligence agencies is carried out by executive, legislative, judicial, and informal—most notably, media—institutions.

At the executive branch level, control/oversight is the prerogative of the president and prime minister through the NSC, as well as civilian-led ministries. The NSC was created in 1987 under bin Ali's rule with the mission to "collect, study, analyze, and assess all information and security data related to national security within the realms of domestic policy, foreign affairs, and defense policy in order to protect the state's internal and external security and consolidate its foundations."[57] The NSC has seven specialized committees to include intelligence, national defense, civil defense, food security, transportation security, infrastructure security, and energy security.[58] A presidential decree signed in 1990 placed the intelligence committee, which includes representatives from the Defense Ministry, the Foreign Affairs Ministry, and the MOI, under the direction of the Interior Ministry, which in turn gave the MOI an exclusive role in the country's intelligence.[59] Based on a presidential decree signed in 1988, GDNS's general director obtained the status of permanent member in the NSC.[60] The post–Arab Spring NSC has shifted its focus from coordinating political police-related activities to strategic coordination of national security–related issues and courses of action. The NSC meets at least once every three months, and whenever necessary; in addition, the council convenes immediately in times of crisis and remains in session until the cause of the meeting is resolved.[61]

The civilian-led Ministry of National Defense—mostly a civilian organization, tasked with implementing military services–related policy decisions—is tasked with control/oversight of the armed forces and intelligence agencies. [62] There is virtually no available information on how the MOD and the minister of defense conduct this oversight over the military intelligence services. Similarly, control/oversight over the MOI intelligence agencies is the prerogative of the MOI, yet it does not appear to take place in practice. Moreover, the MOI itself seems to reject oversight on the grounds of national security. Indeed, as Anthony Dworkin and Fatim-Zohra El Malki observe, "the ministry remains resistant to … oversight … the rise of security threats in Tunisia in the last few years has made reform of the Ministry of the Interior more difficult, as many officials continue to believe that police transparency and accountability would be an impediment to fighting terrorism."[63] It seems, as Hanlon notes, that the "Ministry of Interior is the proverbial black box of Tunisia's security sector."[64] She further

highlights that the MOI organizational chart is classified, which, in her view, "complicates the task of mapping the internal security structures controlled by it, as well as the oversight mechanisms within the ministry."[65] In addition, there is no oversight of the handling of the authoritarian-era secret police files, which are currently in the custody of the MOI. Specifically, because it is not clear who handles the files, how secure these files are (e.g., former MOI employees noted that some data had been burned), and the law places a fifty-year ban on the publication of these documents.[66] Under these circumstances, the former intelligence files—which contain fabricated and hence potentially damaging information on various current and future Tunisian leaders—may quickly become sources of political and personal vendettas.[67]

Legislative oversight is the prerogative of several committees in the Tunisian parliament, since 2014, when the Tunisian Parliament divided an old defense committee into two. The first is the Committee on Administrative Organization and the Affairs of the Armed Forces (COAAFA), which oversees the public sector, administrative decentralization, and the military; the second committee is on Security and Defense (CSD) to monitor security and defense–related issues including "holding discussions and hearings with government security officials to implement national security policies or to hold them accountable."[68]

The CSD committee can "research and suggest reforms to COAAFA and help them draft proposals regarding both military and policy institutions, but cannot vote on COAAFA's bills before they head to the parliament."[69] Former colonel Mahmoud Mezoughy states that "members of the committee are not qualified enough to reform the sector."[70] Observers point out that the government's approach to security intelligence and security agencies has been reactive to security threats inside the country. For example, like in other new democracies,[71] hearings by the committee have been in reaction to a media fire alarm: "an emergency or a major event that generated discussion in the media and among citizens."[72] Indeed, media alarms have prompted the committees or even several parliamentarians to start investigations, related to illegal wiretappings in particular.[73] In sum, legislative oversight of the intelligence agencies remains a work in progress, and the members of the parliament committees charged with the supervision of the intelligence agencies seem to be willing to strengthen their effectiveness in conducting oversight. For instance, in November 2018, a group of Parliamentarians from the Tunisian National Coalition party, led by Leila Shetawi, presented a new legislative initiative—named "Proposed Law on the Establishment of a Legal Framework for Intelligence Services"—and she referred this proposed law to the COAAFA for review.[74] Shetawi explains that the balance between national security and citizen freedom can be achieved through creating

oversight committees by the judicial and legislative branches, in addition to administrative and financial resources oversight.[75]

On 11 January 2019, the Geneva Center for the Democratic Control of the Armed Forces (DCAF) organized a workshop on legislative oversight of intelligence for the COAAFA and CSD members to assist COAAFA members, who discuss and debate the draft law on the intelligence community to assess and evaluate the bill effectively.[76] As DCAF highlights, "[T]he workshop aimed to stimulate reflection on the questions regarding the legal framework and the oversight of the intelligence community, in particular by: presenting concepts and general data about the intelligence community; giving a general overview of the organization of intelligence community by presenting different foreign experiences; presenting parliamentary oversight practices of the intelligence community; as well as providing preliminary analysis of the proposed legislation."[77]

A judicial review consists of interpretation by the judiciary of the legal framework pertaining to intelligence operations, as well as providing authority for intrusive actions, such as wiretapping and other types of electronic communication surveillance. In line with Law No. 26, surveillance "must be warranted by a judicial order issued by either an Investigative Judge or the Prosecutor of the Republic. The order must identify the specific types of communications subject to interception and/or monitoring for a period that cannot exceed four months every time it is granted, and that can only be renewed once."[78] The law stipulates that investigators must always keep a written record of their surveillance; failure to receive prior judicial authorization for interception of communications may result in up to one year in prison.[79] The Technical Agency for Telecommunications, created through Decree No. 2013-4506 in November 2013 under the Ministry of Communication and Information Technologies, "is the technical arm of the judicial branch. In practice, it conducts communications surveillance operations on behalf of the prosecution to collect electronic data that can later serve as evidence before the courts."[80] These practices reveal infringements of the privacy rights in Tunisia and opponents called on the government to review the legislation. For example, critics scold poor judicial oversight. Indeed, human rights watchdogs criticized the decision of the Tunisian government in May 2016 to install "over 1,000 surveillance cameras in 300 'electronic checkpoints' all across the capital city, Tunisia, and in 'sensitive' governorates across the country in Kasserine, Kef, Jendouba and Sidi Bouzid," noting that "little is known of any oversight mechanism regarding this measure."[81] As a result of criticism, a law on the protection of personal data was enacted on 25 May 2018, replacing an old law (Law No. 63), which harmonizes the Tunisian legislation with Convention 108 of the Council of Europe for the Protection of Individuals with regard to the

Automatic Processing of Personal Data to which Tunisia is party.[82] The law "requires private data controllers to apply for authorization from the INPDP prior to processing personal data or transferring it abroad. The INPDP is also mandated to investigate privacy violations and to report those violations to the government. It can also bring violators before the courts."[83]

The intelligence agencies' personnel, practices, and operations have also been under informal scrutiny by civil society—an outcome of Tunisia's endeavors to foster freedom of the media since 2011. Tunisia's press became free in November 2011, when the bin Ali regime's restrictive Press Code was abrogated and replaced by Decree No 2011-115 Relating to Freedom of the Press, Printing, and Publishing.[84] In addition, Decree-Law No. 41 on the Access to Administrative Documents of Government Bodies entered into force on 26 May 2011.[85] The law allows citizens to access "all documents produced or received by government agencies as part of their public service duty, whatever the date of the said documents, their form or medium."[86] Freedom of press was reaffirmed in the 2014 Constitution, which stipulates that "[T]he state guarantees the right to information and the right of access to information and communication networks."[87] An additional success for the freedom of the press and access to information was the enactment of Law No. 2016-22 on the Right of Access to Information, which was finally adopted by parliament in March 2016, which led to the creation in September 2017 of an independent body that oversees the correct implementation of the law—the Instance Nationale d'Accès à l'Information.[88] Under these circumstances, Tunisian civil society and media have become very engaged in calling for security-sector reform with a particular focus on reforming internal security agencies, particularly the internal police. On multiple instances, security sector reform activists in Tunisia called for truth commissions, justice in cases of abuse and torture, civilian oversight of the police, and an overhaul of the security apparatus.[89] And, as noted above, its fire alarms have led to responsive government. For example, civil society and the media have relentlessly covered instances of old oppressive and repressive political police practices, in particular during the prolonged state of emergency in 2015 (in spite of improvement in security), which indicates that the government is not entirely committed to personal freedoms as claimed. [90] Indeed, according to Jebnoun, "[U]sing emergency powers, the security forces have carried out thousands of raids and house searches without judicial authorization, and placed dozens of people under assigned residence orders. … [T]he use of torture and other ill-treatment is still widespread in Tunisian detention centers, especially those operated by the Ministry of the Interior's terrorism investigation brigades."[91] A more recent example includes media's exposure to an illegal espionage and financial crimes and bribery situation in 2018, which has led to "the arrest of

a deputy director within the Ministry of State Property, an advisor to the Minister of Health, and the issuing of an arrest warrant against a Ministry of Tourism executive."[92]

CHALLENGING DEMOCRATIZATION OF INTELLIGENCE

Despite significant progress with regard to democratic institution-building, Tunisia's endeavors to democratize its newly created intelligence agencies have been less than successful. Several challenges obstruct the democratic reform of intelligence in Tunisia. Among these, the most daunting is the perilous security environment surrounding Tunisia. The country is facing security threats of transnational origin, including terrorism, organized crime, and political assassinations.[93] The protracted civil war in Libya, along with the rise of the Islamic state in the region heavily contributed to the internal security threat in Tunisia. On 6 June 2013 an improvised explosive device explosion near Jebel ech Chambi mountain, attributed to an al Qaeda cell in the Islamic Maghreb (AQIM) and Ansar Al-Sharia, killed two Tunisians and wounded two others. This terrorist attack marked the first of many other attacks by AQIM near the ech-Chambi mountain. In the summer of 2013, the Army chief of staff, General Rashid Ammar, retired his position and in a television interview acknowledged that the difficulties facing the Tunisian Armed Forces in fighting against Islamist insurgents at the ech-Chambi mountain were a "result of the intelligence impotence and the lack of cooperation between the country's intelligence services tasked with fighting transnational threats."[94] On 18 March 2015, AQIM attacked the Bardo National Museum in Tunisia, killing twenty-two and wounding fifty. On 26 June of the same year, terrorists targeted two tourist hotels in Sousse.[95] In November 2015, a bomb hit a bus carrying Tunisian Presidential Guard officers who ensured the protection of the Tunisian president.[96] Frequent terrorist attacks like these challenge the ability of the intelligence agencies of developed democracies—which have had time and resources to build and transform their intelligence agencies—to avert serious security threats effectively. Such attacks affect emerging democracies like Tunisia—which has had only a little time to bring about de facto and de jure changes in the profession of intelligence in terms of a roadmap for intelligence, new roles, missions, priorities, interagency processes, resources, and personnel—even more. In this connection, as Dworkin and El Malki note, "dramatic shifts and agents' uncertainty about how to operate in the new, democratic environment led to poor morale in the security services. As a consequence, these organizations were weak and disorganized at a time when security threats to Tunisia were growing."[97] Ultimately, as Dworkin and El Malki point out, "[T]he continued instability plaguing the country and the resultant

need for an operational security apparatus was another element that likely prevented the … government from introducing reform."[98]

The main internal challenge to the intelligence democratization in Tunisia has been the complexity of the reform itself, which has been overwhelming the politicians and hence discouraged them from undertaking intelligence reforms. As Jebnoun stresses, the Tunisian "government was likely deterred by the complexity of the reforms needed and the difficulty of overcoming the heavy legacies, of the authoritarian regime."[99]

An obstinate challenge and obstacle to democratic intelligence reform in Tunisia is the legacy of the past—a stigma associated with the egregious human rights abuses by the political police of the nondemocratic regime—which equates to mistrust and even hatred toward intelligence agencies. Indeed, according to Dworkin and El Malki, "[T]he revolution left the security services in a difficult and ambiguous position because the Tunisian public associated them with the former regime's repressive political system."[100] Other reports reveal that "small units within the General Directive for Public Safety—an umbrella organization that includes the traffic police, public safety police, crowd control police, and others—still report on the political activities of citizens, as well as daily activities of diplomats and foreign journalists."[101] Mistrust in intelligence agencies negatively affects the ability of these services to recruit new personnel. When old personnel continued to staff the post-authoritarian intelligence agencies, they continued to conduct political police practices, which aggravate the lack of the population's trust in these organizations. For example, after the terrorist attack in November 2015, the president declared a state of emergency for a month and appointed a bin Ali political police officer—Abderrahmen Ben Hadja—as head of the "State Security," which spread fear among the population of the reincarnation of the old-era political police.[102] As a matter of fact, the rooted authoritarian legacy and the old ways of a police state persist in the intelligence security agencies, as Jebnoun explains:

> The NSC operates in a "Soviet Politburo" fashion way. … [R]ather than questioning and identifying challenges by "speaking truth to power" in a professional fashion, these (intelligence) services tend to support politics as "intelligence to please." In fact, the unspoken rules of the Tunisian security bureaucracy are that the high-ranking officials within the intelligence and security apparatus have incommensurable power over both the flow of information and their subordinates. Thus, to avoid jeopardizing their ability and their career, these senior intelligence and security officials opportunistically embrace the official political line of policymakers while they allow their intelligence and security services to operate based on political stereotype, where profiling targets driven by baseless assumptions is still a primary piece of their *modus operandi*.[103]

Legacy of the past perpetuates reluctance and resistance to reform from both the intelligence agencies themselves and the politicians. Indeed, an EU report observes that the intelligence agencies "marginalize … calls for them to be held accountable for human rights abuses."[104] The same report also points out how the old recycled personnel—the old boys still in place—who hold leadership positions in the post-authoritarian security institutions are "not clearly committed to reform."[105] What is more, citizens in Tunisia fear that the president may invoke combating terrorism to consolidate his authority to the detriment of the prime minister, when the president declared in 2017 that the NSC created several standing committees to address health, education, energy, and transport-related security issues—which resulted in concerns "that security would provide a pretext for the development of a parallel government centered on the presidency." [106] Naturally, such a parallel government would augment the powers of several—if not all—intelligence agencies.

The lack of intelligence and security expertise among politicians has also obstructed intelligence reform—from developing a legal basis for intelligence to carrying out de facto and de jure democratic civilian oversight over all agencies. Indeed, as Jebnoun notes, the Tunisian "authorities showed little ability to draft security legislation, conduct effective oversight of security operations, or cultivate confidence between Tunisians and their security forces. They also failed to investigate complaints of human rights abuses or perform audits on security spending. Essentially, the security arrangement under Bin Ali, in which the security sector was the domain of the executive power, is still in place in the post-authoritarian era."[107]

Among the internal impediments to intelligence democratization in Tunisia is also the lack of transparency with regard to the structure, budgets, and missions of intelligence agencies hindering an effective reform agenda.[108] Ultimately, the ambiguity of Tunisia's system of government—neither presidential, nor semi-presidential, nor parliamentary, but mixed—is another factor that obstructs intelligence reform. According to Jebnoun,

> [S]uch ambiguity is reflected in how the tasks performed by the president and the prime minister are delineated in the constitution. For example, article 77 states that the president is responsible for setting general policies in the realms of defense and foreign and national security, but only after consulting with the prime minister, whereas article 89 grants the prime minister the right to select the ministers of foreign affairs and defense—but only after consulting with the president.[109]

All these ambiguities cause delays in decision making, in particular in terms of roles and missions, prerogatives, and interagency.

INTELLIGENCE REFORMS: CONTROL AND EFFECTIVENESS

Some moderate progress in the democratization of intelligence has occurred. However, reform and development of Tunisia's intelligence community should be rated "low" for control and "low–medium" for effectiveness, by Bruneau and Matei metrics.[110] Low values were assigned for a lack of implementation of any of the metrics/requirements; medium values, for inconsistent attempts to implement the metrics; and high values, for full application and discussion for further improvement. A summary of findings, in terms of requirements for civilian control and requirements for effectiveness, is presented in Table 1.

Requirements for Control

Tunisia scores "low" in the Institutional Control Mechanisms category. Since the end of the dictatorship, Tunisia's civilian elites have created several control mechanisms for intelligence, including enacting an intelligence-related legal framework, creating civilian-led institutions (such as the MOD), as well as providing modest strategic guidance and prioritization of intelligence roles and missions through each ministry and the NSC. These mechanisms, however, have not defined the roles and tasks of each agency clearly.

In the "Oversight" category, Tunisia scores "low." Tunisia's policy makers have created formal oversight mechanisms, such as the parliamentarian committees and judicial review mechanisms for intrusive intelligence activities. Nonetheless, these oversight bodies have been less than perfect in conducting oversight—either through police patrolling or reacting to fire alarms sounded by civil society and the media. In addition, the legal framework for intelligence is virtually inexistent, which permits intelligence abuses and oppression. The informal oversight by the media and human rights watchdog organizations, however, seems to keep the citizens informed on intelligence transgressions and abuses. Indeed, the press and civil society have often exposed misconduct in intelligence or lack of actual reform, but even if their fire alarms have occasionally successfully compelled the formal oversight mechanisms to investigate transgressions, punish wrongdoing, and bring about real reforms, they have not been as constant as in other new democracies (e.g., Romania or Spain).[111]

Tunisia also scores "low" in the "Professional Norms" category. Tunisia's post-dictatorship intelligence agencies have yet to become professional—in terms of expertise, responsibility, and corporateness—in the Huntingtonian sense.[112] Tunisia needs more robust recruitment, education, training, and career development processes for new intelligence services. According to a report by *Agency Tunis Afrique Press*, "[T]he European Parliament also emphasizes the need to reform the intelligence services of Tunisia, while

Table 1. Assessments of the Requirements for Intelligence Control and Effectiveness.

	Requirements					
	Control			Effectiveness		
	Institutional control mechanisms	Oversight	Professional norms	Plan or strategy	Institutions	Resources
Tunisia's score	Low–medium	Low	Low	Low–medium	Low–medium	Low

respecting the rule of law and conventions on human rights."[113] The newly created School of Intelligence and Military Security in Tunisia, tasked with the education and training of future intelligence officers, may help develop the intelligence profession further.[114] In addition, the external support and assistance—in terms of financial resources and professional intelligence education and training—provided by the United States, France, and the European Union to strengthen the professionalism of the intelligence services may improve this score in the long term.

Requirements for Effectiveness

Tunisia scores "low–medium" in the "Plan" category. Tunisia's policy makers developed several successive strategic documents after the transition to democracy, including the white paper and the counterterrorism strategy. Nevertheless, Tunisia's politicians seem to lack a strategic vision with regard to the role and place of intelligence in the country's new democracy.

Tunisia scores "low–medium" in the "Institutions" category. The legacy of the past has obstructed interagency coordination, cooperation, and sharing. The NSC is working well, but the attempts by the president to augment its power raises questions. In addition, despite successful interagency practices, "[T]he slow pace of reform has meant that silos within the ministry still tend to communicate poorly with one another—although there has been some progress in this area since 2015.[115]

It is difficult—based on the available information—to provide an accurate score for Tunisia in the "Resources" category. Our estimate is that Tunisia scores "low." However, the external support and assistance provided by the United States, France, and the European Union may improve this score in the long term.

Overall, Tunisia scores low in "Control" and low–medium in "Effectiveness." Indeed, as Dworkin and El Malki note, "European officials generally agree that Tunisia's security services have considerably improved their capacity to prevent and respond to terrorist threats since 2015. Nevertheless, the overhaul of Tunisia's security and counter-terrorism strategy and structures has failed to resolve some problems and even created a few new difficulties."[116]

CONCLUSION

Institutionalizing democratic reform of intelligence in Tunisia has been half-hearted. Indeed, as Dworkin and El Malki observe, "Tunisia formulates security policy against a background of complex and incomplete political transition, in which a constitution based on the principle of accountability coexists with a security sector that is in many areas reforming slowly, if at all."[117] Likewise, Jebnoun explains that, although some progress has been made in terminating the MOI's interference in the electoral process, opacity remains a main feature of the security sector—including the internal security forces and intelligence agencies.[118] While the current Tunisian intelligence agencies are becoming more effective in dealing with the security threats, they are still obscure and lack robust democratic civilian control. In this connection, as Grewal points out, "[A] still-unreformed security sector is an impediment to democracy, security, and sustainable development."[119]

Under these circumstances, Tunisia has yet to find an appropriate intelligence–democracy trade-off. To find it, policy makers must press for—and practice—more robust guidance and direction to the roles and missions of the intelligence agencies; more endeavors to professionalize the agencies; and more effective formal oversight. In addition, the media and civil society must remain informal watchdogs of intelligence personnel's activities and practices. On the other hand, Tunisia has not even celebrated a decade since the transition to democracy. Empirical evidence from other developing democracies reveals that it takes decades until these new democracies find their trade-off between security and democracy, and even then, it remains a work in progress.[120] In this connection, because Tunisia seems to be committed to following a democratic trajectory, in time it may improve its quest for a suitable intelligence and democracy trade-off.

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